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SPECIAL LITIGATION COUNSEL FOR  
ROBERT YAQUINTO, JR., CHAPTER 7 TRUSTEE

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

IN RE:	§	
	§	CASE NO. 18-32123-SGJ-7
JRJR33, INC., and	§	CASE NO. 18-32124-SGJ-7
THE LONGABERGER COMPANY	§	
	§	Jointly Administered Under
Debtors.	§	Case No. 18-32123-SGJ-7

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ROBERT YAQUINTO, JR., CHAPTER 7	§	
TRUSTEE,	§	
Plaintiff,	§	
	§	ADV. CASE NO. 20-03085-SGJ
v.	§	
	§	
JOHN P. ROCHON, JOHN ROCHON,	§	
JR., HEIDI ROCHON HAFFER, R-NINE	§	
NINE NINE, INC. f/k/a R-999, INC. f/k/a	§	
RICHMONT HOLDINGS, INC.,	§	
MICHAEL BISHOP, and WILLIAM H.	§	
RANDALL,	§	
	§	
Defendants.	§	

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**TRUSTEE'S THIRD AGREED MOTION TO CONTINUE TEMPORARY  
ABATEMENT DURING SETTLEMENT DISCUSSIONS**

**TO THE HONORABLE STACEY G.C. JERNIGAN,  
UNITED STATES BANKRUPTCY JUDGE:**

NOW COMES, Robert Yaquinto, Jr., Chapter 7 Trustee (the “Trustee”) of the Estates of JRjr33, Inc. and The Longaberger Company, and Plaintiff in the above-captioned adversary proceeding (the “Adversary”), and by agreement<sup>1</sup> with all Defendants (together with the Trustee, the “Parties”), files this *Third Agreed Motion to Continue Temporary Abatement During Settlement Discussions* (the “Motion”), and in support thereof respectfully states as follows:

1. The Trustee initiated the Adversary with the filing of his *Trustee’s Original Adversary Complaint* on June 26, 2020. [Dkt. No. 1]. The Adversary was served on June 29, 2020 as evidenced by the Summons Service Executed filed on that date. [Dkt. No. 5]. The Adversary contains a mix of fiduciary duty and avoidance claims against certain former officers, directors, and an affiliated management company.

2. On August 10, 2020, the Trustee filed his *Agreed Motion to Vacate Scheduling Order and Temporarily Abate Case During Settlement Discussions* (the “Abatement Motion”). [Dkt. No. 8]. As explained in the Abatement Motion, the Parties and settlement counsel had conferred and agreed that given the nature of the claims and the anticipated costs and length of litigation, a temporary abatement during which time the Parties would engage in an informal, alternative dispute resolution process, would serve their mutual interests.

3. On August 11, 2020, the Court entered an *Agreed Order to Vacate Scheduling Order and Temporarily Abate Case During Settlement Discussions*, therein abating the case for 90 days. [Dkt. No. 9]. This initial abatement expired on November 9, 2020.

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<sup>1</sup> The representations contained herein concerning the nature of the Adversary are provided for context only, and do not represent any admission by any of the Parties as to their claims and defenses, and the Parties reserve all rights in that respect.

4. Thereafter, the Parties sought a further 60-day abatement in order for the Trustee's legal team to have ample time to prepare its settlement submission, and likewise, for settlement counsel to have sufficient time to review and respond to the settlement materials. *See Trustee's Agreed Motion to Continue Temporary Abatement During Settlement Discussions* [Dkt. No. 11]. The additional abatement request was granted by the Court on November 24, 2020, extending the abatement period to January 22, 2021. *See Agreed Order to Continue Temporary Abatement During Settlement Discussions* [Dkt. No. 12].

5. On February 5, 2021, the Parties sought an additional 30-day abatement of litigation in order to continue negotiations without expending resources in more formal litigation proceedings. [Dkt. No. 13]. This request was granted on the same day, and the abatement continued to March 8, 2021. [Dkt. No. 14].

6. The Parties again wish to continue the abatement for another 30-day period. Settlement discussions have been productive, but have not yet concluded, and the Parties are not in a position to declare the outcome of their negotiations at this time.

7. As such, the Parties wish to continue the abatement period for an additional 30 days. If the Parties are unable to reach a settlement within the additional 30-day timeframe, the defendants shall have 30 days thereafter to file responsive pleadings including withdrawal of the reference.

WHEREFORE, the Trustee respectfully requests that this Court grant this Motion and the relief requested herein, without prejudice to any of the Parties or any issue.

Dated: March 9, 2021.

Respectfully submitted,

ROCHELLE McCULLOUGH, LLP

By: /s/ Shannon S. Thomas

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CHAPTER 7 TRUSTEE

With the agreement of:

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SPECIAL SETTLEMENT COUNSEL  
FOR DEFENDANTS

**CERTIFICATE OF CONFERENCE**

I hereby certify that I have conferred with counsel for each individual defendant, and all parties are in agreement with the abatement and process outlined in this motion and with the form of the order submitted herewith.

By: /s/ Shannon S. Thomas  
Shannon S. Thomas

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing document was served on all parties receiving electronic notification via the Court's ECF system and on counsel for the defendants via email on March 9, 2021.

/s/ Shannon S. Thomas  
Shannon S. Thomas